

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

MEITAV DASH MUTUAL FUND
MANAGEMENT LTD. Lead Plaintiff, on behalf
of itself and all others similarly situated,

Plaintiffs,

v.

KEVIN MODANY, DANIEL FITZPATRICK,
and ITT EDUCATIONAL SERVICES, INC.,

Defendants.

Case No. 1:14-cv-01599-TWP-DML

**MOTION TO APPEAR *PRO HAC VICE*
FILED ON BEHALF OF ATTORNEY WAYNE W. SMITH**

Philip A. Whistler of the law firm Ice Miller LLP, pursuant to S. D. Ind. Local Rule 83-6(a), hereby moves this court for an Order granting Wayne W. Smith of Gibson, Dunn & Crutcher LLP, leave to appear *pro hac vice* for the purpose of appearing as counsel on behalf of Defendants Daniel Fitzpatrick, ITT Educational Services, Inc., and Kevin Modany in the above-styled cause only. In support of this motion, the undersigned states:

1. The Certification of Wayne W. Smith, as required by S.D. Ind. Local Rule 83-6(b), is attached hereto as Exhibit A.

2. Electronic payment in the amount of Thirty Dollars (\$30.00) has been submitted via pay.gov contemporaneously with the filing of this motion.

WHEREFORE, the undersigned counsel respectfully requests that this Court enter an Order granting Wayne W. Smith leave to appear *pro hac vice* for purposes of this cause only.

Dated: April 2, 2015

Respectfully submitted,

s/ Philip A. Whistler

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*Attorneys for Defendants Daniel Fitzpatrick,
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CERTIFICATE OF SERVICE

I hereby certify that on April 2, 2015, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system:

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